IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 30774 of 2007(L)

PETITIONER:

K.O. VARKEY, PROPRIETOR M/S ST. JOHNS RICE MILL YORDHANAPURAM, KALADY, RESIDING AT KANNANDAN HOUSE YORDHANAPURAM, KALADY ERNAKULAM DISTRICT.

BY ADV. SRI.BOBBY JOHN

RESPONDENTS:
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1. THE COMMERCIAL TAX OFFICER, ANGAMALY.

2. THE DEPUTY COMMISSIONER (APPEALS) COMMERCIAL TAXES, ERNAKULAM

3. THE SPECIAL THAHASILDAR (RR ALUVA).

BY GOVERNMENT PLEADER SRI.K.P.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO. 30774 OF 2007 L

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Dated this the 17th day of October, 2007

J U D G M E N T

The prayer in this writ petition is to quash Exhibits P6 and P7 revenue recovery proceedings initiated against the petitioner. It is seen that against Ext.P3 order of assessment, an appeal has been filed as Ext.P4 along with an application for stay, Ext.P5. It is during the pendency of this that revenue recovery proceedings have been initiated by Exhibits P6 and P7.

2. In view of the fact that the appeal and stay petitions are pending consideration, it is only appropriate that the 2nd respondent considers atleast the stay petition before continuance of recovery action any further.

3. In view of the above, I dispose of this writ petition directing the 2nd respondent to pass orders on Ext.P5 stay application filed by the petitioner within three weeks of receipt of a copy of this judgment.

4. Meanwhile, further proceedings pursuant to Exhibits P6 and P7 shall be kept in abeyance.

Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

ANTONY DOMINIC, JUDGE.

Rp